

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JAMON HESTAND,
TDCJ #01343536,

Plaintiff,

V.

TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, ET AL.

Defendant.

No. 6:20-cv-00071

PLAINTIFF'S MOTION FOR SUBSTITUTED SERVICE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff Jamon, Movant herein, and brings this Motion for Substituted Service pursuant to Fed. R. Civ. P. 5(a)(1), and in support thereof, respectfully shows the Court as follows:

1.

Attempts to serve process on eight-four (84) Defendants have been unsuccessful, as set out in the affidavit of due diligence of Syed Moazzam Ali, Process Server attached hereto and incorporated by reference herein as Exhibit “A”.


II.

The Federal Rules of Civil Procedure provide for service, including substituted service, upon individuals within the judicial district by delivering a copy of the summons and the complaint to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing there or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process. Fed. R. Civ. P. 4(e)(2). Personal service in this case has been unsuccessful. *Ex. A, Affidavit of Due Diligence.*

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Court grants this Motion for Substituted Service, and for such other and further relief that may be awarded at law or in equity.

Respectfully Submitted,

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ORDER GRANTING PLAINTIFF'S MOTION FOR SUBSTITUTED SERVICE

On _____, the Court considered Plaintiff's Motion for Substituted Service on eighty-four (84) Defendants. The Court finds that as to the eight-four (84) Defendants:

1. The facts set forth in the affidavit of due diligence are accepted as true and incorporated herein as if set forth at length.
2. Plaintiff exercised due diligence to serve process on the eighty-four (84) Defendants, at their place of employment located at 2664 FM 2054, Tennessee Colony, Texas 75886.
3. The manner of service ordered herein will be reasonably effective in giving the eighty-four (84) Defendants notice of the suit.

IT IS THEREFORE ORDERED that service of citation may be made on the eighty-four (84) Defendants by leaving a copy of the citation with a copy of the petition and copy of this order attached, with any person 16 years of age or older at the eight-four (84) Defendants place of employment at 2664 FM 2054, Tennessee Colony, Texas 75886.

IT IS FURTHER ORDERED that proof of service shall be made by the person executing the return, stating when the citation was served, on whom it was served, and where it as served.